IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 13777 of 2004

Between:

N.Mallesh Yadav, Prop.Sri Raghavendra Mini Theatre, Malkajgiri, Hyderabad, Ranga Reddy District

... PETITIONER

AND

1 Government of Andhra Pradesh, represented by its Principal Secretary, Home Department, Secretariat Buildings, Hyderabad
2 Joint Collector & Licensing Authority, Ranga Reddy District at Hyderabad

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, declaring G.O.Rt.No.1030 Home (General-A) Department, dated 9-7-2004 of the 1st respondent, as illegally, null, void, arbitrary and against the principles of natural justice; and consequently direct the respondents herein to grant No Objection Certificate to the Petitioner for construction of a Mini Theatre;

Counsel for the Petitioner: MR.K.DURGA PRASAD

Counsel for the Respondents: GP FOR HOME

The Court made the following order:

ORDER:

Petitioner questions the action of the Government in rejecting his appeal filed against the order of the Collector, Ranga Reddy District dated 27.01.2004 without giving any opportunity to him.

The appeal of the petitioner was rejected by the Government in G.O.Rt.No.319 Home (General.A) Department dated 08.03.2004 without hearing the appeal. Petitioner filed a review petition against the said order and the review petition was also dismissed by the Government in G.O.Rt.No. 1030 dated 09.07.2004.

Perusal of both the orders and the counter affidavit goes to show that no opportunity was given to the petitioner. Therefore, I am of the opinion that it is just and proper to hear the petitioner and pass appropriate orders in accordance with law.

Without going into the merits of both the orders of the Government in G.O.Rt.No.319 dated 08.03.2004 and G.O.Rt.No.1030 dated 09.07.2004, both the orders are set aside on the simple ground that the petitioner was not afforded any opportunity before rejecting the appeal and the review petition and the matter is remitted to the Government to give an

opportunity to the petitioner and pass appropriate orders in accordance with law as expeditiously as possible.

The writ petition is accordingly disposed of with the above observation. No costs.

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V. ESWARAIAH, J

April 12, 2005

Dsk

To

1 The Principal Secretary, Government of Andhra Pradesh, Home Department, Secretariat Buildings, Hyderabad

2 The Joint Collector & Licensing Authority, Ranga Reddy District at Hyderabad.

3 Two CCs to GP For Home, High Court Buildings, Hyderabad (OUT)

Two CD Copies.